In the Supreme Court of the United States

OCTOBER TERM, 1967

No. 524

JAMES W. CORRINGTON, PETITIONER

v.

JAMES E. WEBB, ETC., ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE RESPONDENTS IN OPPOSITION

We respectfully invite the attention of the Court to the following facts which show that the petition was filed out of time.

On April 5, 1967, the Court of Appeals for the Ninth Circuit affirmed the district court's judgment dismissing petitioner's action. On June 27, 1967, petitioner filed his application for an order extending the time within which to file a petition for a writ of certiorari. On July 12, 1967, Mr. Justice Douglas

extended the time to and including August 19, 1967. The petition was filed on August 21, 1967, which was not within the time as extended.

Section 2101(c) of Title 28 provides that a party seeking a writ of certiorari to review a judgment or decree in a civil action must apply for the writ within ninety days after entry of such judgment or decree, unless the time is extended by a Justice of this Court. Since the petition was not filed within the jurisdictional limits as enlarged, the petition should be denied as untimely.

Respectfully submitted,

RALPH S. SPRITZER,
Acting Solicitor General.

SEPTEMBER 1967

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